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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,962	03/22/2001	Ikuko Tachibana	1614.1148/HJS	2846

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EXAMINER

PATEL, NIKETA I

ART UNIT PAPER NUMBER

2181

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/813,962	Applicant(s) TACHIBANA ET AL.	
	Examiner Niketa I. Patel	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-9, 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer et al. U.S. Patent Number: 6,826,715 B1 (hereinafter "*Meyer*".)

4. **Referring to claims 1, 2, 8-9, 11-12, 14-17, *Meyer* teaches a remote maintenance apparatus used for maintenance of terminals connected to a network, comprising: a first obtaining pad which obtains configuration information, of hardware and software of terminals, sent from said terminals [see column 1, lines 49-67; column 2, lines 1-18, 54-57, 'computer hardware and operating system configuration data'; column 3, lines 38-40 and column 25, lines 40-50]; a storing part which stores said configuration information, of hardware and software obtained by said first obtaining part [see column 1, lines 49-67; column 2, lines 1-18, 54-57, 'computer hardware and operating system configuration data'; column 3, lines 38-40 and column 25, lines 40-50], while bringing said configuration information of hardware and software into**

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correspondence with generation information [see column 1, lines 49-67; column 2, lines 1-18, 54-57, 'computer hardware and operating system configuration data'; column 3, lines 38-40 and column 25, lines 40-50], a second obtaining part which obtains configuration information of hardware and software of a failed terminal which is associated with failure information which is sent from said failed terminal [see column 1, lines 49-67; column 2, lines 1-18, 54-57, 'computer hardware and operating system configuration data'; column 3, lines 38-40 and column 25, lines 40-50], or, which obtains configuration information of hardware and software of said failed terminal by identifying the newest configuration information of hardware and software of said failed terminal which is stored in said storing pad; and an extraction pad which extracts difference information between configuration information obtained by said second obtaining part and configuration information stored in said storing pad [see column 1, lines 49-67; column 2, lines 1-18, 54-57, 'computer hardware and operating system configuration data'; column 3, lines 38-40 and column 25, lines 40-50.]

5. **Referring to claim 3**, *Meyer* teaches wherein said distribution part sends a part pertinent to a terminal in said list to said terminal [see column 1, lines 49-67; column 2, lines 1-18, 54-57, 'computer hardware and operating system configuration data'; column 3, lines 38-40 and column 25, lines 40-50.]

6. **Referring to claims 6, 7, 13**, *Meyer* teaches further comprising: a collection part which collects start date and time information, and, end date and time information of maintenance work performed in terminals, and a generation part which generates evaluation information of maintenance work from said date and time information collected by said collection part [see column 4, lines 6-10; column 1, lines 49-67; column 2, lines 1-18, 54-67.]

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. U.S. Patent Number: 6,826,715 B1 (hereinafter "*Meyer*") as applied to claims 1, 2, 8 above, and further in view of Peng U.S. Patent Number: 6,816,944 B2 (hereinafter "*Peng*").

9. **Referring to claims 4, 5, 10,** *Meyer* teaches a remote maintenance apparatus used for maintenance of terminals connected to a network [see column 1, lines 49-67; column 2, lines 1-18, 54-57, 'computer hardware and operating system configuration data'; column 3, lines 38-40 and column 25, lines 40-50.] *Meyer* is silent regarding the limitations of further comprising: an issuing part which issues, to a terminal, an instruction for said terminal to send configuration information when a configuration information ID sent from said terminal is not the same as the newest configuration information ID which is stored in said storing pad; and wherein said first obtaining pad obtains configuration information sent in response to said instruction, however *Peng* teaches these limitations [see column 3, lines 62-67 and column 4, lines 1-8] in order to insure that the new configuration data is only sent when needed.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Meyer* to be able to compare a configuration information ID stored on a computer with a configuration information ID stored on a storage in order to update the configuration information stored on the computer by only

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sending the configuration data when both of the ID's do not match, in order to insure that the new configuration data is only sent when needed. It is for this reason that one of ordinary skill in the art would have been motivated to send configuration information when a configuration information ID sent from said terminal is not the same as the newest configuration information ID which is stored in said storing pad; and wherein said first obtaining pad obtains configuration information sent in response to said instruction, in order to insure that the new configuration data is only sent when needed.

Response to Arguments

10. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272 4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

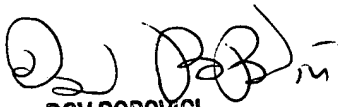
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP

12/15/2005


DOV POPOVICI
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